Wisconsin State Legislature

SENATE CHAIR ALBERTA DARLING

317 East, State Capitol P.O. Box 7882 Madison, WI 53707-7882 Phone: (608) 266-5830



ASSEMBLY CHAIR ROBIN VOS

309 East, State Capitol P.O. Box 8593 Madison, WI 53708-8953 Phone: (608) 266-9171

Joint Committee on Finance

100TH ANNIVERSARY 1911 - 2011

MEMORANDUM

To:

Members

Joint Committee on Finance

From:

Senator Alberta Darling

Representative Robin Vos

Date:

August 8, 2011

Re:

s. 16.515/16.505(2), Stats. Request

Attached is a copy of a request from the Department of Administration, received August 8, 2011, pursuant to s. 16.515/16.505(2), Stats., on behalf of the Milwaukee County District Attorney office.

Please review the material and notify **Senator Darling** or **Representative Vos** no later than **Thursday**, **August 25**, **2011**, if you have any concerns about the request or if you would like the Committee to meet formally to consider it.

Also, please contact us if you need further information.

Attachments

AD:RV:jm



SCOTT WALKER GOVERNOR MIKE HUEBSCH SECRETARY

Division of Executive Budget and Finance Post Office Box 7864 Madison, WI 53707-7864 Voice (608) 266-1736 Fax (608) 267-0372 TTY (608) 267-9629

Date:

August 8, 2011

To:

The Honorable Alberta Darling, Co-Chair

Joint Committee on Finance

The Honorable Robin Vos. Co-Chair

Joint Committee on Finance

From:

Mike Huebsch, Secretary M

Department of Administration

Subject:

s. 16.515/16.505(2) Request(s)

Enclosed are request(s) that have been approved by this department under the authority granted in s. 16.515 and s. 16.505(2). The explanation for each request is included in the attached materials. Listed below is a summary of each item:

AGENCY	DESCRIPTION	<u>2011-12</u> <u>AMOUNT</u>	<u>FTE</u>	<u>2012-13</u> <u>AMOUNT</u>	FTE
DAs 20.475(1)(h)	Gifts and grants	0	1.001	0	1.001

¹Convert project position to permanent position.

As provided in s. 16.515, the request(s) will be approved on ___August 29, 2011 unless we are notified prior to that time that the Joint Committee on Finance wishes to meet in formal session about any of the requests.

Please contact Carol Lynch at 266-3330, or the analyst who reviewed the request in the Division of Executive Budget and Finance, if you have any additional questions.

Attachments

Department of Administration

Date:

August 2, 2011

To:

Brian Hayes

From:

Leah Wavrunek

Subject:

Section 16.515/16.505(2) Request(s)

Attached is a s. 16.515/505(2) request analysis for your approval and processing. Listed below is a summary of each item:

DOA RECOMMENDATION:

		2011-		2012-13		
<u>AGENCY</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	$\underline{\text{FTE}}$	<u>AMOUNT</u>	$\underline{\text{FTE}}$	
DAs 20.475(1)(h)	Gifts and grants		1.00*		1.00*	

^{*} Convert project position to permanent.

AGENCY REQUEST:

		2011-	12		2012-13	
AGENCY	DESCRIPTION	<u>AMOUNT</u>	<u>FTE</u>	<u>AMOUNT</u>	$\underline{\text{FTE}}$	
DAs 20.475(1)(h)	Gifts and grants		1.00*		1.00*	

^{*} Convert project position to permanent.

BKH APPROVAL ______ (FORWARD TO CAROL LYNCH)



SCOTT WALKER
GOVERNOR
MIKE HUEBSCH
SECRETARY
Division of Everytics I

Division of Executive Budget and Finance Post Office Box 7864 Madison, WI 53707-7864 Voice (608) 266-1736 Fax (608) 267-0372 TTY (608) 267-9629

Date:

August 2, 2011

To:

Mike Huebsch, Secretary

Department of Administration

From:

Leah Wavrunek

Executive Policy and Budget Analyst

Subject:

Request under s. 16.505 from the Milwaukee County District Attorney office to

convert a 1.0 FTE program revenue project prosecutor position to permanent.

REQUEST:

The Department of Administration, on behalf of the Milwaukee County District Attorney office, requests the conversion of a 1.0 FTE PR assistant district attorney project position to permanent. Current position authority expires August 30, 2011.

REVENUE SOURCES FOR APPROPRIATION(S):

The revenue source for the position under s. 20.475(1)(h) Gifts and grants is a \$96,000 annual allocation from the Milwaukee Board of School Directors to the Milwaukee County District Attorney office. As the grant is funded from a program revenue continuing appropriation, there is no accompanying request for an increase in expenditure authority.

BACKGROUND:

Restorative justice is an approach to the criminal justice process that engages the offender, victim and community to hold the offender accountable and ensure public safety. In May 2006 a school board committee recognized restorative justice practices as an effective tool for suspension prevention and intervention. In February 2008 the Joint Committee on Finance approved the creation of the first restorative justice prosecutor, a 1.0 FTE assistant district attorney (ADA) position working out of the criminal division of the Milwaukee County District Attorney office.

The current request works from the juvenile division of the Milwaukee County District Attorney office under a grant from the federal government to Milwaukee Public Schools (MPS), and position authority was recently extended to August 30, 2011. The grant is entitled Safe Schools/Healthy Students and pairs MPS with several external partners, including the district attorney office, Milwaukee County Children's Court, Milwaukee Police Department, Milwaukee Fire Department, University of Wisconsin-Milwaukee, Center for Neighborhood Enterprise and Milwaukee County Behavioral Health WrapAround.

Mike Huebsch, Secretary Page 2 August 2, 2011

According to its Web site, the Safe Schools/Healthy Students initiative works to strengthen, enhance and expand the collaborative relationship between community-based organizations and MPS. The initiative has several curriculums which stress education, interventions and referrals.

ANALYSIS:

In 2007 the Milwaukee Public Schools were notified of their receipt of an \$8.5 million Safe Schools/Healthy Students grant, to be spent over a four-year period (through the 2010-11 school year). The grant was intended to develop community-wide approaches to create safe, respectful, drug-free schools while promoting social skills and healthy childhood development. An integral part of the grant is restorative justice programs at the 30 schools selected to be a part of the initiative. These restorative practices use alternative sanctions to teach students empathy and prevent future problematic behavior. The requested position works as the Restorative Justice Juvenile Prosecutor with the following specific responsibilities: reduce truancy; prosecute cases against parents of chronically truant children who fail to comply with mandatory counseling; serve as a liaison between MPS, the juvenile courts and district attorney office; implement restorative justice programs to reduce the number of MPS students referred to juvenile court for offenses committed on school grounds; and promote the safety of MPS school children.

The restorative justice prosecutor works with all the schools, while focusing specifically on the schools that requested restorative justice programming, which includes elementary, middle and high schools. During the 2010-11 school year, the restorative practices curriculum of the Safe Schools/Healthy Students grant accomplished the following: 882 Safe Schools/Healthy Students staff members and administrators trained on restorative practices; 896 community partners trained; 994 students received services; and 623 days of sanction were avoided, including 258 suspensions, as a result of Restorative Practice Circles. Marquette Law School students received training from the prosecutors and were placed in schools to facilitate restorative practices circles with students suffering from behavioral and truancy issues. Also, four schools with high suspension rates, low attendance and behavioral conflicts became a principal focus of the year.

Although the Safe Schools/Healthy Students grant was intended to run through the 2010-11 school year, MPS requested a no-cost extension from the U.S. Department of Education to continue the grant through the 2011-12 school year. As part of this extension, the grant partners have agreed to fund the ADA for one additional year. Because the position will reach its four-year maximum for a project position on June 6, 2012, the Milwaukee County District Attorney Office requests conversion to permanent in order to fully utilize this grant. By converting this position, it ensures continuation of the goal of the grant to increase safety in the state's largest city and protect the students of the state's largest school system.

RECOMMENDATION:

Approve the request.



original QL.

CC: LW

T.L.

BEH

DPS

SCOTT WALKER GOVERNOR

MIKE HUEBSCH SECRETARY

Division of Administrative Services State Prosecutors Office Post Office Box 7869 Madison, WI 53707-7869 Voice (608) 267-2700 Fax (608) 264-9500

DATE:

July 29, 2011

TO:

Brian Hayes, Administrator

Division of Executive Budget and Finance

pww

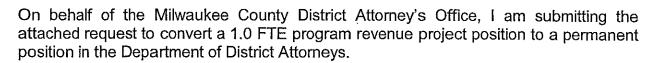
FROM:

Philip W. Werner, Director State Prosecutors Office

SUBJECT:

REQUEST UNDER S. 16.505 FOR DEPARTMENT 475: MILWAUKEE

DISTRICT ATTORNEY'S OFFICE



Thank you for your attention to this matter.

Attachment



DEPARTMENT OF ADMINSTRATION REQUEST UNDER s.16.505 FOR POSITION AUTHORIZATION

I. REQUEST

The Department of Administration requests, under s.16.505, the authorization to convert a 1.0 FTE Program Revenue (PR) assistant district attorney (ADA) project position in (BC77) from a project to a permanent position. Currently the position is scheduled to expire on August 30, 2011. The position would continue to be funded via appropriation s.20.475(1)(h), and would be located in the Milwaukee County District Attorney's (DA) Office.

II. BACKGROUND

On February 28, 2008, the Milwaukee Public Schools (MPS) School Board approved annual funding of \$96,000 for a Restorative Juvenile Justice prosecutor in the MPS. The total funding was not to exceed \$384,000 from January 1, 2008, through June 30, 2011. The funding of \$96,000 was intended to fund the salary and fringe benefits of a 1.0 FTE Restorative Juvenile Justice prosecutor for one year with annual extensions until June 30, 2011. The intergovernmental agreement included a provision that the parties would review the program after one year to determine whether it should be extended. The parties agreed to an extension of the agreement to August 30, 2011. The intent of the grant is to reduce truancy; prosecute cases against parents of chronically truant children who fail to comply with counseling; serve as a liaison between MPS, the juvenile courts, and the DA's office; and, implement restorative justice programs in MPS to reduce the number of MPS students referred to juvenile court for offenses committed on school grounds and promote the safety of MPS school children. To attain these goals, the focus has been on the Restorative Justice philosophy's three major principles: accountability to victims; competency building for offenders; and, community safety for all involved.

MPS already has begun to implement Restorative Justice practices in some of its schools, and over nine hundred MPS staff members and over thirty parents have received training in Restorative Justice practices from the DA's Office and others. In fact, Restorative Justice practices have now become an integral part of some schools' education plans. The DA's Office, via external grants, has been involved in the Restorative Justice process in at least two MPS high schools. The principals of those two schools were very supportive of the process and the positive success rate in changing student behavior. On February 12, 2008, the Joint Finance Committee approved a 1.0 program revenue project ADA Restorative Justice position for the MPS which is attached to the criminal division of the DA's office. The position being considered in this request has been assigned to the juvenile division of the DA's office since June, 2008. Results from both restorative justice prosecutors during the 2009-10 academic year

reflect that ten social workers, who had been trained by the prosecutors, taught the restorative practices to 1,267 staff members; and, 695 students received services through restorative practices. In addition, 284 sanctions were avoided as a result of the practices.

III. ANALYSIS

This position is in furtherance of the State's policy to prevent crime and to ameliorate the impact of crime upon the populace. Additional goals include reducing truancy; serving as a liaison between MPS, the juvenile courts, and the DA's office; and, implementing restorative justice programs in MPS to reduce the number of MPS students referred to juvenile court for offenses committed on school grounds.

IV. FISCAL ANALYSIS

The parties to the agreement, the Milwaukee County District Attorney, the presiding judge of the juvenile division of the Milwaukee County Circuit Court, the superintendent of the Milwaukee Public Schools (MPS), and the president of the MPS School Board, have decided to provide continuing funding for the position until June 30, 2012. The program revenue appropriation, s.20.475(1)(h), is continuing and will be re-estimated based on actual experience. The parties are in the process of executing an extension agreement, which will be forwarded to the Department of Administration upon its completion.

V. REVENUE SOURCE FOR APPROPRIATION

The MPS School Board authorized funding of \$96,000 per year for the Restorative Juvenile Justice ADA, not to exceed \$384,000 from January 1, 2008, through August 30, 2011. The source of the funds is the Safe Schools/Healthy Students Initiative grant. The parties to the agreement have agreed to an extension of the plan to June 30, 2012.

VI. SPECIAL INFORMATION

The co-chairs of the Joint Committee on Finance, in a letter to the Department of Administration Secretary dated June 12, 1996, set forth four additional items of information that should be included in a s.16.505 request for additional positions in the DA program.

1) An explanation of the effect of the positions on weighted caseload for the requesting counties (the LAB methodology is suggested).

Table 1 indicates the results of the LAB methodology using the modifications recommended by the Wisconsin District Attorneys Association and highlights the impact of continuing the position

requested on the Milwaukee DA Office. The table uses the most current court data available (2006-2008) and the positions authorized as of December 22, 2010. It is important to note that the position need shown in the LAB methodology is a general need corresponding to all duties of a DA Office, and is not specific to a particular type of activity or caseload such as that covered by this grant. As this position currently exists, no change in the needs analysis is shown if the position authority is extended for the position.

2) An assessment of similar caseload problems in counties not addressed by the request.

Many counties in Wisconsin are experimenting with Restorative Justice programs. However, the funds for this specific request have been authorized by the MPS School Board for this purpose.

3) An explanation of why the request has greater priority than similar needs existing in other counties.

The MPS School Board has made the determination to focus the funding on a Restorative Juvenile Justice prosecutor in the MPS.

4) If the request is intended to address a specific type of caseload, an explanation of why this type of caseload has a greater priority than other types.

The decision to give this need a higher priority than other competing needs rests with the MPS School Board.

Table 1: DA Office Caseload Analysis, December 22, 2010

			FIE					FTE
			needed as				!	needed as
			a % of			40/00/40		a % of
DA Office	12/22/10	FTE	current		DA Office	12/22/10 FTE*	FTE	current
DA Office	FTE*	needed	FTE		DA Office	ric i	needed	FTE
Adams	1.20	1.12	93.17%		Marathon	11.00	1.72	15.61%
Ashland	1.75	0.53	30.09%		Marinette	2.50	0.10	4.20%
Barron	3.00	1.40	46.53%		Marquette	1.25	0.55	44.28%
Bayfield	1.00	0.49	49.07%		Milwaukee	128.50	-11.35	-8.83%
Brown	12.20	6.49	53.20%		Monroe	3.00	3.19	106.31%
Buffalo	1.00	0.02	2.04%		Oconto	1.50	0.85	56.69%
Burnett	1.25	0.88	70.19%		Oneida	2.65	0.57	21.67%
Calumet	2.00	0.37	18.63%		Outagamie	11.90	3.48	29.23%
Chippewa	5.00	0.97	19.39%		Ozaukee	3.00	1.20	39.85%
Clark	2.00	0.30	15.07%		Pepin	0.80	-0.25	-30.86%
Columbia	4.50	2.14	47.46%		Pierce	2.50	-0.27	-10.71%
Crawford	1.00	-0.30	-29.50%		Polk	3.25	0.79	24.29%
Dane	31.10	6.23	20.05%		Portage	4.00	1.98	49.48%
Dodge	4.00	2.27	56.86%		Price	1.00	0.25	24.90%
Door	2.00	0.31	15.48%		Racine	18.00	7.96	44.20%
Douglas	3.50	0.98	28.12%		Richland	1.80	0.12	6.64%
Dunn	3.00	1.31	43.71%		Rock	14.00	5.02	35.84%
Eau Claire	8.00	4.29	53.67%		Rusk	1.50	-0.18	-12.12%
Florence	0.50	0.12	23.95%		Saint Croix	6.95	0.16	2.35%
Fond du Lac	7.40	1.96	26.50%		Sauk	4.50	2.08	46.16%
Forest	1.00	0.59	58.55%		Sawyer	2.00	1.12	56.05%
Grant	2.00	1.51	75.43%		Shaw/Men	3.00	1.79	59.55%
Green	2.00	0.93	46.69%		Sheboygan	7.50	5.11	68.18%
Green Lake	1.75	0.37	21.14%		Taylor	1.00	0.14	13.84%
lowa	1.75	0.66	37.84%		Trempealeau	2.00	0.33	16.61%
iron	1.00	-0.18	-17.72%		Vernon	2.00	-0.68	-33.76%
Jackson	2.00	0.62	30.98%].	Vilas	2.00	0.53	26.67%
Jefferson	5.30	2.77	52.32%		Walworth	5.00	2.32	46.39%
Juneau	2.50	0.92	36.91%		Washburn	1.25	0.53	42.09%
Kenosha	16.00	3.95	24.70%		Washington	5.00	2.39	47.87%
Kewaunee	1.50	-0.36	-23.96%		Waukesha	16.50	4.38	26.55%
La Crosse	8.00	2.89	36.10%		Waupaca	3.50	0.80	22.97%
Lafayette	1.00	0.03	2.69%		Waushara	1.75	0,28	16.11%
Langlade	1.50	1.83	122.31%		Winnebago	10.40	4.91	47.25%
Lincoln	2.00	1.44	71.93%		Wood	4.00	4.90	122.51%
Manitowoc	5.00	1.77	35.46%					

*Modifications:

- 1) The 0.5 GPR FTE in Washburn (0.25 FTE) that also serves Burnett (0.25 FTE) is divided by the FTE shown in parentheses.
- 2) In Milwaukee, the total FTE used is 128.50 rather than 129.50 because the 1.0 DNA position serves the entire state; so, showing it as a Milwaukee position distorts the data.
- 3) The 1.0 PR ADA FTE for anti-drug cases in St.Croix is divided among St. Croix (0.75 FTE) and Polk (0.25 FTE) by the FTE shown in the parentheses.
- 4) In Brown the total FTE used is 12.20 rather than 14.00 due to the following factors:
- a) the 1.0 ADA FTE sex predator position in Brown is excluded because it also serves approximately 20 other DA offices.
- b) 0.8 FTE of the 1.0 JAIBG position is excluded as its funding is limited.
- 5) The weighted time estimate for CHIPS cases was changed from 2.61 hours to 6.0 hours effective in the 2004-06 study, based on a 7/04 WDAA Executive Board recommendation.
- 6) CHIPS extensions include permanency plan review petitions filed under s. 48.365 beginning with data for 2006.
- 7) Immunization cases filed by DA Offices under s. 48.13(13) are included with CHIPS cases beginning with data for 2006.
- 8) The 0.75 PR FTE in Green Lake (0.25 FTE) that also serves Marquette (0.25 FTE) and Waushara (0.25 FTE) is divided by the FTE shown in the parentheses.



OFFICE OF THE DISTRICT ATTORNEY 2019 2018 '11/10 25 PM010

Milwaukee County

JOHN T. CHISHOLM · District Attorney

Chief Deputy Kent L. Lovern, Deputies James J. Martin, Patrick J. Kenney, Lovell Johnson, Jr., Jeffrey J. Altenburg

July 27, 2011

Mr. Philip Weiner, Director State Prosecutors Office Post Office Box 7869 Madison, WI 53707-7869

Dear Mr. Werner:

We are requesting that you take all steps necessary to extend legislative position authority for the BC77 Milwaukee Public Schools restorative justice assistant district attorney position from August 30, 2011, to June 30, 2012.

Late last month, the legislature extended the legislative authority for the position from June 30, 2011, to August 30, 2011.

The parties to the agreement – the Milwaukee County district aftorney, the presiding judge of the juvenile division of Milwaukee County Circuit Court, the superintendent of the Milwaukee Public Schools (MPS), and the president of the MPS School Board – have decided to provide continuing funding for the BC77 position until June 30, 2012.

Enclosed is a letter, dated May 27, 2011, from Jacqueline M. Mann, the MPS project director, concerning the continuing funding for the BC77 restorative justice prosecutor until June 30, 2012.

The parties are in the process of executing an extension agreement, which should be signed by all parties by the end of the week of early next week. There was a delay in executing the extension agreement because MPS only recently received approval from federal authorities for a no-cost extension of the U.S. Department of Education grant that provides the funding for the BC77 restorative justice prosecutor. I will forward a copy of the extension agreement to you as soon as I receive it.

Thank you for your consideration. Please contact me if you have any questions.

Sincerely,

ames I. Martin

Deputy District Attorney

Rayenn Chender Carrie Menricute Frien S: Falk Phase M. DeCarvelho Patricia A. Ha Gorner James C. Griffin Daniel J. Cables Grant I. Huebner Stablian Eduard Notice Ceire Starling Zach Whitney Rebatts A. Kisler Kaloina L. Childs Anthony Walte Jacob A. Hanish ther M. Piecek Meden N. W/S Dax C. Odom Maureen A. Abvell her W. Rawathoma Rachel E. Satter Rachel E. Satter Jenteler L. Henson Petricia I. Daughtery Mariasa L. Santiago Maghan C. Lindha Jon Neidelb Ann M. Romero Brisn Seamons Rendy Staberger Karyn E. Behäng

Korfin M. Schrenk

Claire E. Trimarco rancesco G. Minec



May 27, 2011

To Whom It May Concern:

Milwaukee Public Schools is pleased to have the Milwaukee County District Attorney's office as a partner in the Safe Schools/Healthy Students grant. This grant has been implemented for the last four years. The Milwaukee Public Schools Restorative Juvenile Justice prosecutor assigned to the Safe Schools/Healthy Students Initiative has been an intricate component of the project, the entire four years. With the current contract term ending on August 31, 2011 and a notification of a possible extension, if grant funding is available, we are asking for support of the position for one year. It is anticipated that the district will be entering into a no cost extension year for the 2011-12 school year for the Safe Schools/Healthy Students Initiative, which extends the project until June 30, 2012.

As we would like to provide a continuum of the services currently in place for students and families, support of the Wisconsin Legislature is greatly appreciated.

Sincerely,

Jacqueline M. Mann

Project Director

Safe Schools/Healthy Students Initiative

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Milwaukee Public Schools